

CITY OF SAN ANTONIO
Privately Controlled Property Vending Program
(River Walk Area and Street Level)
Permit Policies and Procedures

1.0 INTRODUCTION

- 1.1 The City of San Antonio (City), through the Downtown Operations Department, shall administer a program to receive, review, and approve permit applications for individuals that desire to vend in the River Walk and at street level in the Downtown Business District as authorized by Ordinance No. 2006-11-02-1256 amending Section 35-679 (e) of the Unified Development Code and by Ordinance No. 2006-11-02-1257 amending Section 16-236 (b) of the San Antonio City Code.
- 1.2 This policy sets out guidelines for the permitting process for vending on exterior public leased space and private property, and specifically authorized by the following:
 - 1.2.1 River Walk Area as per Section 35-679 (e) of the Unified Development Code and;
 - 1.2.2 Downtown Business District street level as per Section 16-236 (b) of the San Antonio City Code.
- 1.3 No permit will be issued without operator approval.
- 1.4 No permit will be issued without approved lease amendments if vending location is within a public leased space.
- 1.5 Public leased space between the sidewalk and the San Antonio River is ineligible for vending under this program, as illustrated on Exhibit A.

2.0 PURPOSE:

- 2.1 To establish administrative policies and procedures for the application and permitting process in order to monitor and control the quantity and quality of vendors who desire to vend and/or entertain on all privately controlled property, whether by lease agreement from the City of San Antonio or by fee simple ownership, along the San Antonio River Walk Area and on sidewalk property owned by the City of San Antonio and leased to adjacent businesses within the Downtown Business District.
- 2.2 This policy is not applicable for permits issued in connection with the River Walk Designated Public Space Vending Program, or any other vending program available through the City of San Antonio.

3.0 DEFINITIONS:

- 3.1 “Operator” means the business with legal control of the property on which vending is proposed to take place. Only persons with legal authority to bind any

Operator in a contract shall be authorized to grant permission to allow a Vendor by executing the required affidavit. General Managers or Shift Managers of Operators shall not be deemed to have such authority unless such authority is provided to them in writing from a controlling authority of Operator.

- 3.2 “City” means City of San Antonio.
- 3.3 “Department” means the Downtown Operations Department.
- 3.4 “Director” means the Director of the Downtown Operations Department.
- 3.5 “Petitioner” means any prospective vendor submitting an application for a vending permit.
- 3.6 “Products” means goods or merchandise.
- 3.7 “Vendor” means any natural person granted a permit under this program.

4.0 APPLICATION PROCESS:

- 4.1 Prospective vendors (Petitioner) wishing to vend as part of this program may obtain applications from the City’s website (www.sanantonio.gov) or at the City of San Antonio’s Downtown Operations Department Offices, located at 202 E. Nueva from 8:00 am to 4:00 pm Monday through Friday, except for City Holidays.
- 4.2 Staff will be available to review applications for completion, and no application will be accepted unless deemed complete.
- 4.3 A Petitioner for a permit must submit a completed application to vend on exterior leased public property or on private property on an approved form. Petitioner shall be required to provide a copy of a valid State of Texas photo I.D. at the time of submission of completed application.
- 4.4 Petitioner must be eighteen (18) years of age or older at the time of application.
- 4.5 Petitioner shall obtain a signed Affidavit from the Operator of the property along the River Walk Area, whether privately owned or leased from the City, wherein vending is proposed to take place or from the Operator of the property leased from the City at street level in the Downtown Business District prior to applying for a permit.
 - 4.5.1 Any permit issued under this program is subject to the rights of the Operator, and in the case of property owned in fee simple by a private party, by the owner of the property approved for vending. In the event that the Operator or the owner of the property withdraws their permission to the vendor to vend on the approved property, this permit shall no longer be valid.
- 4.6 Petitioner acknowledges and agrees that criminal convictions for any felony offense, any sexual offense including misdemeanors, offense to a child including

misdemeanors, any offense requiring registration as a sexual offender will result in denial of Petitioner's Application, without limitation.

- 4.6.1 Petitioner is required to submit a completed criminal background investigation as part of the Petitioner's application process.
- 4.6.2 This criminal background investigation shall include local, state, and federal records.
- 4.6.3 Petitioner must request completion of the criminal background check in person at the San Antonio Police Department (SAPD) records division located at 214 W. Nueva, Room 123 Monday through Friday, 8:00 a.m. to 4:00 p.m., except for City Holidays.
- 4.6.4 Petitioner must complete and present the appropriate consent forms to San Antonio Police Department records division at time of request and authorize the release of Petitioner's criminal history to the City of San Antonio.
- 4.6.5 Petitioner shall be responsible for all cost or fees associated with this criminal background investigation. All fees are non-refundable.
 - 4.6.5.1 \$16 payable to the San Antonio Police Department. Cash or Money orders only will be accepted.
 - 4.6.5.2 \$15 payable to the Texas Department of Public Safety. Money orders only will be accepted.
 - 4.6.5.3 \$18 payable to the U.S. Treasury Department. Money orders only will be accepted.
- 4.7 Petitioner is advised that a criminal background investigation may take up to 45 days for completion of the federal records check, and it is the petitioner's responsibility to provide said completed criminal background check for the application to be complete.
- 4.8 The Downtown Operations Department will consider Petitioner's Application complete with the submission of Local criminal background check, and will issue a vending permit to those petitioners who meet all other documentation standards and requirements under this permit process. Petitioner's Local criminal background check will be complete with submission of a Clearance Letter provided by SAPD.
- 4.9 The requirement to submit completed State and Federal records checks shall continue for each petitioner and vendor. In those cases, where an individual has been issued a permit under this vending program, and who's State and Federal records check returns non-compliant with the requirements set out in Section 4.6 above, said vendor shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City

- 4.10 In the event that a criminal conviction as stated in Section 4.6 above is discovered during a vendor's valid permit period, said vendor shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City.
- 4.11 Each Petitioner shall provide a State of Texas Sales Tax and Use Permit Number issued by the State Comptroller's Office. Said Tax and Use Permit must be valid and in good standing. If not confirmed to be valid, the petitioner will not be eligible to participate in the Program
- 4.12 Those petitioners submitting an application as a group as allowed by Chapter 35-679-4 (a) shall each submit individual applications. Said applications must be submitted jointly with other prospective group members. Each petitioner submitting as a group must meet all documentation standards and requirements under this permit process.
- 4.13 Each petitioner will submit a list of products or services that he or she will be selling, including manufacturing information, with the application.
 - 4.13.1 This submittal shall include pictures of or actual products, method and/or manner of display, representations of containers/ carts and/or any other information requested. A list of prohibited items can be found under the Rules and Regulations Section 6.0.
 - 4.13.2 Products or services sold must be an ancillary use to and compatible to the main business of the property.
- 4.14 No third party advertising will be allowed in any method or manner of display.
- 4.15 The Downtown Operations Department shall review the completed applications for compliance with the stated requirements. Any request for a cart will require the approval of the Historic and Design Review Commission subject to Section 35-679 (b) prior to commencement of operation or vending.

5.0 PERMIT PROCESS:

- 5.1 The Director shall issue the Privately Controlled Property Vending Program (River Walk Area and Street Level) Permits.
- 5.2 Each permit shall be valid only for the exterior space within the Privately Controlled Property Vending Program (River Walk Area and Street Level) and shall be valid for one year from date of issuance. Vending permits issued through the separate River Walk Designated Public Space Vending Program will not be valid for the Privately Controlled Property Vending Program (River Walk Area and Street Level).
- 5.3 Each permit (badge) shall include:
 - 5.3.1 The Permit Number as issued by the Downtown Operations Department;
 - 5.3.2 A photo of the approved vendor;
 - 5.3.3 Approved vendor's contact information;
 - 5.3.3.1 Phone number(s);

5.3.3.2 Residence Address: Address must match permit application information;

5.3.4 Identification of the approved Privately Controlled Property Vending Program (River Walk Area and Street Level) site(s);

5.3.5 Permit Validity Dates;

5.3.6 List of approved goods, merchandise or services to vend.

5.4 The actual permit (badge) shall be displayed prominently, professionally, and worn at all times by the approved petitioner, without exceptions.

5.5 Replacement badges are available for an additional fee of \$50.

6.0 PERMIT FEES:

6.1 The permit fee per year is seven hundred and fifty dollars (\$750.00) per vendor for the first approved site.

6.2 Each vendor is required to pay a fee of one hundred dollars (\$100.00) for each additional approved vendor's site.

6.3 Singing or performing groups qualify for a group permit provided that such groups always stay together as a unit while exercising their vending rights under the permit.

6.3.1 The permit fee for a group is seven hundred and fifty dollars (\$750.00) per group (up to five (5) people) for the first approved site. An additional permit fee of one hundred dollars (\$100.00) shall be paid for each additional approved vending location.

6.4 All permit fees are subject to change with City Council approval.

7.0 RULES AND REGULATIONS:

7.1 Each permit issued shall be for a specific vending site.

7.2 Allowed vending will only include products that are an ancillary use to and compatible to the main business of the property.

7.3 Prohibited Vending:

7.3.1 Sexually explicit and/or drug related paraphernalia

7.3.2 No Obscene Material

7.3.3 Real estate transactions and vacation packages, including but not limited to: time shares, rentals, and vacations clubs or other similar arrangements

7.3.4 Marketing and advertising activities, including but not limited to: soliciting for memberships or credit card applications

7.3.5 Tickets for events

7.3.6 Other services or products not approved by the City prior to issuance of the Program Permit

- 7.4 Vendors must cover items from public view while transporting said items to and from the vending site.
- 7.5 All transactions, including display, sales, queuing, seating, etc. and any interactions with customers or potential customers, shall occur completely within the public leased space or private property.
- 7.6 NO VENDING IS PERMITTED IN, ON, OR TO THE PUBLIC RIGHT OF WAY/PATHWAY/SIDEWALK OF THE SAN ANTONIO RIVER WALK AREA OR DOWNTOWN BUSINESS DISTRICT, OR IN SUCH A MANNER AS TO IMPEDE PEDESTRIAN TRAFFIC ALONG THE RIGHT OF WAY/PATHWAY/SIDEWALK.
- 7.7 Vendors shall be allowed to utilize appropriate and approved methods of display for items they are vending, such as a carrying case, basket, or bucket. Any River Walk vendor desiring to utilize a cart will require the approval of the Historic and Design Review Commission subject to Section 35-679(b).
- 7.8 City shall not be responsible for any theft, damages or destruction of goods and/or property of vendor both during the term of the Vending Permit.
- 7.9 Vendors must adhere to all sound restrictions, solicitation, queuing, and hawking laws and regulations of the City of San Antonio.
- 7.10 Vendor shall pay, on or before their respective due dates to the appropriate collecting authority, all Federal, State and local taxes and fees which are now or may hereafter be levied upon the Vendor, or upon the business conducted on the designated public space, or upon any of Vendor's property used in connection therewith; and shall maintain in current status all Federal, State and local licenses and permits required for the operation of the business conducted by Vendor. Failure to comply with the foregoing provisions shall constitute grounds for termination of the City Vending Permit by the City.
- 7.11 The San Antonio Police Department and Park Police shall have a service level agreement with the Downtown Operations Department regarding the enforcement of these permits.
- 7.12 Any violation of these policies and procedures may result in issuance of a criminal citation or an administrative statement of violation issued by the Director or her designee.

- 7.12.1 The issuance of three citations to a vendor shall result in the immediate loss of the vending permit and preclude re-application two years from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. Administrative revocation of the Permit may be appealed to the City Manager's Designee.
- 7.12.2 An administrative statement of violation issued by the Director or her designee will be treated the same as a criminal citation for purposes of Administrative revocation of the permit.
- 7.13 Orders of deferred adjudication and/or conviction for violations of the regulations governing vending shall result in the immediate loss of the vending permit and preclude re-application two years from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. The vendor shall not have a right to appeal to the City Manager or The City Manager's designee a revocation based on an order of deferred adjudication and/or conviction for violations of the regulations governing vending.

CONTACT INFORMATION:

All information related to this program may be obtained from:

City of San Antonio
Downtown Operations Department
202 E. Nueva
San Antonio, Texas 78205
(210) 207-3677

CHECKLIST

Privately Controlled Property Vending Program

The following documents **MUST** accompany your application before it can be processed:

- ☐ Current Picture I.D. (Texas Driver's License or Texas Department of Public Safety I.D.)
- ☐ Application for Vending Permit (completed and signed)
- ☐ State of Texas Sales Tax and Use Permit Number
- ☐ Permit Fee
- ☐ Proof of request for the following criminal background investigations through San Antonio Police Department records division.
 - ☐ Local – Clearance Letter
 - ☐ State – Money order receipt
 - ☐ Federal – Money order receipt
- ☐ Affidavit, if vending on privately controlled property (completed and signed)
- ☐ List of products or services to be vended, including manufacturing information (This may include photos or actual products.)

Please call **207-3677** if you need assistance in completing this application. If you wish to speak to someone in person regarding the application, please visit the Downtown Operations Department office located at 202 E. Nueva, Monday - Friday between the hours of 8:00 a.m. and 4:00 p.m.

Note: Incomplete applications will not be accepted.

SE HABLA ESPAÑOL



CITY OF SAN ANTONIO
Downtown Operations Department
P.O. Box 839966
San Antonio, Texas 78283-3966
Tel.: 210-207-3677
Vending Permit Application

THIS SECTION TO BE COMPLETED BY DOWNTOWN OPERATIONS STAFF:

Permit Type: _____
 Application Date: _____ I.D#: _____
 Criminal Background Check Application Date: _____

Please complete the following information. If you are applying as a group, please write group's name in place of vendor's name. Each member of the group will be required to complete an application.

Vendor's Name: _____
 Local Residence: _____
 Vendor's Business Name: _____
 Type of Business: _____
 Federal Tax Id: _____ Social Security: _____
 State of Texas Sales and Use Tax Permit: _____
 Business Address: _____
 Bus. Phone: () _____ Home Phone: () _____
 Fax No.: () _____ E-Mail Address: _____

If Applicant is an employee, business partner of a vendor, or part of a group applying for a space, please complete the following information

Applicant's Name: _____
 Local Address: _____
 Home Phone: () _____ Alternate Phone: () _____
 Signature of Vendor: _____

Applicant's Physical Description

Height: ____ Weight: ____ Color of Hair: ____ Color of Eyes: ____
 Date of Birth: _____

OATH

I have received a copy of and agree to comply with the Policies and Procedures for the _____ Vending Program. I have submitted a request for a local, state and federal background check with the San Antonio Police Department and am certifying that I not been convicted of any criminal violations, including convictions, deferred adjudications and/or probation for any felony offense, any sexual offense including misdemeanors, offenses to a child including misdemeanors, any offense requiring registration as a sexual offender or any offense for theft including misdemeanors, assault or perjury. I agree that failure to comply any of the aforementioned requirements will result in denial of my vending application. I agree to indemnify and hold harmless the city against all liability arising out of my activities under this permit. I AGREE THAT SUCH INDEMNITY SHALL APPLY EVEN WHERE SUCH LIABILITY ARISES IN ANY PART FROM THE NEGLIGENCE OF CITY, BUT SHALL NOT APPLY IN CASES OF CITY'S SOLE ACTIVE NEGLIGENCE.

 Date Signature

If applicant is an employee or business partner of a vendor applying for a space this section does not need to be completed.

Products to be Sold – (Please attach additional pages as required, including photos of products.)

Product Name: _____
Description: _____
Manufacturer's Name: _____
Manufacturer's Address: _____
City: _____ State/Zip: _____ Country: _____
NAISD #: _____

Product Name: _____
Description: _____
Manufacturer's Name: _____
Manufacturer's Address: _____
City: _____ State/Zip: _____ Country: _____
NAISD #: _____

Product Name: _____
Description: _____
Manufacturer's Name: _____
Manufacturer's Address: _____
City: _____ State/Zip: _____ Country: _____
NAISD #: _____

Product Name: _____
Description: _____
Manufacturer's Name: _____
Manufacturer's Address: _____
City: _____ State/Zip: _____ Country: _____
NAISD #: _____

Product Name: _____
Description: _____
Manufacturer's Name: _____
Manufacturer's Address: _____
City: _____ State/Zip: _____ Country: _____
NAISD #: _____

Product Name: _____
Description: _____
Manufacturer's Name: _____
Manufacturer's Address: _____
City: _____ State/Zip: _____ Country: _____
NAISD #: _____

FOR DOWNTOWN OPERATIONS DEPARTMENT USE ONLY

Permit #: _____ Permit Fee: _____

Circle Payment Type: Cashier's Check Personal Check Money Order

___ Local – Letter of Clearance Attached

___ State _____ Approved _____ Denied

___ Federal _____ Approved _____ Denied

___ Letter of Insurability

___ Group Type of Group: _____

Reason for Denial:

Date: _____ Signature: _____

Paula X. Stallcup
Director, Downtown Operations

**City of San Antonio
Downtown Operations Department
202 East Nueva
San Antonio, Texas 78204
Tel.: (210) 207-3677**

COVER LETTER

Date: _____

Requestor Name: _____

Requestor Address: _____

Attention Record Request:

I, _____, am requesting a criminal history background check for personal review pursuant to 28CFR§16.30-16.34. Please mail the results of the check to the following address:

I have a reason/date that requires expeditious handling (optional):
(PLEASE PLACE DATE/REASON ON OUTSIDE OF MAILING ENVELOPE)

Date Required: _____ Reason: _____

If you have any further questions, please contact me at:

Telephone: _____ Email: _____

Sincerely,

(Signature)

CITY OF SAN ANTONIO POLICE DEPARTMENT

DEPARTMENT OF PUBLIC SAFETY RECORD CHECK

I hereby authorize the Texas Department of Public Safety, Austin, Texas, to release to the City of San Antonio information relating to my criminal history record. The criminal history record, as received from the reporting agencies, may include arrest and conviction data as well as plea bargains and deferred adjudications and arrest information currently pending in a criminal court of law. I understand that this information will be used in connection with my application for a permit under the provisions of the City of San Antonio's River Walk Area and Downtown Business District Ordinance Public Leased Space and Private Property Vending Program or the River Walk Designated Public Space Vending Program.

PLEASE PRINT ALL INFORMATION

LAST NAME		FIRST NAME	
MIDDLE NAME		MAIDEN NAME	
CURRENT STREET ADDRESS		CITY, STATE, ZIP CODE	
PREVIOUS STREET ADDRESS		CITY, STATE, ZIP CODE	
SEX [] MALE [] FEMALE	HEIGHT	WEIGHT	SOCIAL SECURITY #
DATE OF BIRTH	PLACE OF BIRTH		
DRIVERS LICENSE #	STATE	EXPIRATION DATE	

I do, for myself, my heirs, executors and administrators, here release and forever discharge, indemnify and hold harmless the City of San Antonio and each of its council members, officers, employees and agents against any and all causes of action, suits, liabilities, costs, debts, and sums of money, claims and demands whatsoever, and any and all related attorney's fees, court costs, and other expenses resulting from the investigation of my background in connection with my application for a permit under the provisions of the City of San Antonio's Street Level Vending of Novelty and Souvenirs in the Downtown Business District and River Walk Area Ordinance.

I request that the results related to my criminal history record be mailed to the San Antonio Police Department Identification Unit at 214 W. Nueva, San Antonio, Texas 78207.

SIGNATURE	DATE
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Affidavit of Operator regarding Vending

For use under the Vending Program on the River Walk as authorized by Section 35-679 (e) of the Unified Development Codes or at street level in the Downtown Business District as authorized by Section 16-236 (b) of the San Antonio City Code.

Date:

Operator:

Operator's Representative ("Representative"):

Representative's Mailing Address:

Property on which Vending is authorized ("Property"):

Vendor:

Authorized activities:

Operator's Representative on oath swears that the following statements are true:

1. Operator has legal control of the Property either under a lease or through fee simple ownership
2. Operator has given its consent to Vendor to conduct vending activities on the Property limited to sale of the following:

Vendor may sell the following:
Vendor is/is not limited as to the hours and or location on the Property as follows:

3. Representative has legal authority to bind Operator through this Affidavit
4. Representative's title with a description of Representative's authority is as follows:

5. Operator acknowledges and agrees that Vendor's activities referenced in this Affidavit are subject to the regulations adopted by the City of San Antonio referenced above and to the Policies and Procedures administratively implementing the program.

[Name of Representative]

SUBSCRIBED AND SWORN TO before me on _____ by [name of affiant].

Notary Public, State of Texas